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OSB No. 762620

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

GAILLYNN MONICA ABBOTT,

Plaintiff,

v.

MARK J. WALKER

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Case No.

COMPLAINT

(Bivens Action)

DEMAND FOR JURY TRIAL

10-6208-TC

JURISDICTION

1. Plaintiff Gaillynn Monica Abbott brings this action for damages pursuant to *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971) for violations of the Fourth, Fifth, Eighth, Ninth, and Thirteenth Amendments of the Constitution of the United States. This court has jurisdiction pursuant to 28 USC § 1331 and 1343.

PARTIES

ORX 60000 5618

2. Plaintiff is a resident of Oregon. Defendant Mark J. Walker is a resident of Oregon.

3. At all times material herein, Defendant was a United States Parole and Probation Officer acting under the color of his authority.

VENUE

4. Venue is proper in this district pursuant to 28 USC §§ 1391(b) and 1391(e).

FACTUAL ALLEGATIONS

5. On or about June 23, 2006 Plaintiff was convicted of Possession of Counterfeit Security of an Organization in the United States District Court, District of Nevada, and placed on probation. Plaintiff violated the terms of her probation, and was sentenced to imprisonment on or about April 19, 2007.

6. Plaintiff was released from prison and placed under the supervision of Defendant in Oregon in February, 2008.

7. Defendant used his position as Plaintiff's Parole and Probation Officer to compel her to engage in sexual relations with him in August of 2008 through 2009.

8. Defendant's acts violated Plaintiff's protected rights and were an excessive intrusion onto her person without just cause and amounted to deliberate indifference to Plaintiff's protected rights.

9. An investigation of Defendant by the FBI for alleged abuse of his official position was commenced in 2009. In an effort to prevent Plaintiff from being a witness against him, Defendant induced Plaintiff to become a fugitive from justice.

10. Plaintiff acceded to Defendant's demands for sexual relations because he disregarded illegal drug possession and use by Plaintiff, gave her advance notice of when he would require UAs, and out of fear that he would cause her to be taken into custody if she did not do what he wanted her to do and because of physical intimidation and force by Defendant.

11. Defendant's conduct violated Plaintiff's Fourth and Ninth Amendment privacy rights, her Fifth Amendment liberty rights, her Eighth Amendment right against cruel and unusual punishment, and her Thirteenth Amendment right against involuntary servitude.

12. Defendant's conduct in violation of constitutional standards was counterproductive to Plaintiff's rehabilitation, enabling and facilitating her addiction, which in turn caused Defendant to engage in thievery to sustain the addiction, leading to Defendant's imprisonment for approximately eight months. It caused a significant deterioration in her underlying bi-polar condition and depression. The violations of constitutional standards by

Defendant caused Plaintiff to lose her home and her ability to maintain or enjoy intimate relations.

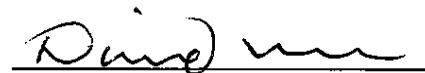
13. Plaintiff has been damaged by Defendant's conduct in an amount of to be determined at trial, consisting of anguish, humiliation, mental distress, depression, lost income, and loss of freedom.

14. Defendants' actions in this case constitute an egregious violation of societal interests, and are of a nature that sanctions would tend to deter Defendant and persons in his position from engaging in further conduct of this nature. Accordingly, Plaintiff should be awarded punitive damages in a sum to be determined at trial.

WHEREFORE, Plaintiff requests judgment in an amount of to be determined at trial and for costs and disbursements incurred.

Dated this 19th day of July, 2010

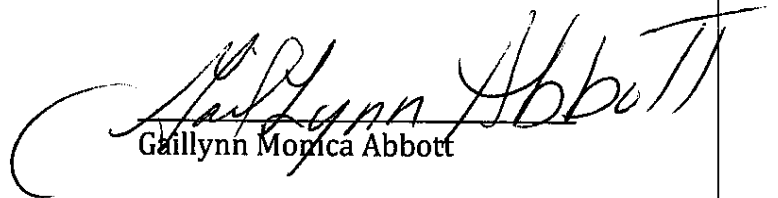
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VERIFICATION

I declare under penalty of perjury this 19th day of July, 2010 that the statements made in this complaint are true and correct to the best of my knowledge.


Gaillynn Monica Abbott